

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BREEANNE BUCKLEY PENI, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

DAILY HARVEST, INC. and SECOND BITE
FOODS, INC. d/b/a "STONE GATE FOODS",
and JOHN DOE ENTITIES 1-5,

Defendants.

Civil Case No. 1:22-cv-05443-DLC

**STIPULATION OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT
SECOND BITE FOODS, INC.**

IT IS HEREBY STIPULATED by and among the parties through their undersigned counsel that the above-entitled action be discontinued and dismissed without prejudice against defendant Second Bite Foods, Inc., and without costs or attorney's fees to any party, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The claims against defendant Daily Harvest, Inc. have been stayed pursuant to the order of the Court compelling arbitration of said claims (Doc. 36).

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